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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael Glover

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EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

10/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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1. Applicant's election without traverse of Group I in the reply filed on July 7, 2009 is acknowledged.

Accordingly, claims 21-30 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

2. The substitute specification filed on July 6, 2009 has been entered.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 41 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 2-3 recite "the bogey unit" for which there is no antecedent basis.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35-41,43-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubota (U.S. Patent No. 5,199,478).

Kubota discloses a multi-fold panel assembly comprising panels 1a,1b having a seal 9 and being pivoted 11,13 together, a carriage 15, and a track 28,29 disposed on

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upper and lower rails and having frame seals 5,6. Note figures 1,2A,2B,4 which further discloses the carriage as having the claimed horizontal and vertical sides. The movement of the panels 1a,1b includes that of moving away from the seal 5,6.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota (U.S. Patent No. 5,199,478).

While Kubota does not specifically set forth the manner in which the components are made, to have employed the process of such a well known methodology such as extruding is within the purview of the artisan of ordinary skill in the art. Furthermore, it is noted that this claim is product-by-process claim, wherein, the patentability of the product does not depend on its method of production.

6. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota (U.S. Patent No. 5,199,478) in view of Latham (U.S. Patent No. 2,959,220).

While Kubota does not disclose the multi-fold panel assembly as employing the use of wheels, Latham discloses a multi-fold panel assembly having a carriage 18,20, 28,30,32,40a comprising wheels 24,56, wherein, to incorporate this teaching into the

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multi-fold panel assembly of Kubota for its explicit purpose of guiding the movement of the panels in a predetermined path would have been obvious to one of ordinary skill in the art.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Applicant's amendment presenting new claims 35-46 of a scope not previously considered necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Katherine Mitchell, can be reached at (571) 272-7069. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David M Purol/
David M Purol
Primary Examiner
Art Unit 3634

/D. M. P./
(571) 272-6833
October 9, 2009